

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ENRIQUE MORENO,

Petitioner,

v.

No. 2:22-cv-00683-KWR-JHR

RICK MARTINEZ, Warden, and
ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO,

Respondents.

ORDER DENYING MOTION FOR THE TOLLING OF TIME

THIS MATTER is before the Court on Petitioner Enrique Moreno's Motion for the tolling of time, filed September 28, 2022. (Doc. 2) (the "Motion").

In the Motion, Petitioner appears to request to toll the time to submit his habeas corpus petition so that he can obtain discovery. (Doc. 2 at 1). Alternatively, he appears to request that the Court enter an order requiring the state to release exculpatory evidence for the Court's review. (Doc. 2 at 2). Petitioner timely filed a habeas petition on September 15, 2022. Having reviewed the Petition under Habeas Corpus Rule 4, the Court ordered the Attorney General ("AG") to file an answer. (Doc. 8).

Pursuant to the Order to Answer, the AG is required to submit copies of all pertinent filings from the state trial court, the state court of appeals, and the state supreme court; including memoranda filed by both parties. (Doc. 8 at 1). The AG must also attach to the answer copies of all state post-conviction or appellate proceedings and any transcripts that are needed to resolve the claims. (Id.). If additional materials are required, the Court may issue an order to expand the record pursuant to Habeas Corpus Rule 7. The Court may also authorize discovery under Habeas Corpus

Rule 6 if the requesting party shows good cause and provides specific reasons supporting the request. At this stage of the proceedings, however, Petitioner's request for discovery is premature and shall be denied.

IT IS THEREFORE HEREBY ORDERED that the Motion (**Doc. 2**) is **DENIED**.


KEA W. RIGGS
UNITED STATES DISTRICT JUDGE